



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/850,024	05/07/2001	David Behaylo	BEHA 0101 PUS	9935
7590	01/20/2006		EXAMINER KOPPIKAR, VIVEK D	
John S. Artz Ste. 250 28333 Telegraph Road Southfield, MI 48304			ART UNIT 3626	PAPER NUMBER

DATE MAILED: 01/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/850,024

Applicant(s)

BEHAYLO, DAVID

Examiner

Vivek D. Koppikar

Art Unit

3626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5/7/01.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Status of the Application

1. Claims 1-20 have been examined in this application.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-20 rejected under 35 U.S.C. 102(b) as being unpatentable by US Patent Number 5,832,451 to Flake.

(A) As per claim 1, Flake teaches a reservation system (Flake: Abstract) comprising:
a reservation mechanism accessible by one or more service providers and customers
(Figure 1 and Col. 3, Ln. 16-34);

an advertising mechanism allowing one or more of said service providers to promote
their business (Col. 4, Ln. 51-53);

a ticketing mechanism allowing one or more of said customers to purchase tickets for
services offered by one or more of said service providers (Col. 5, Ln. 1-12 and Col. 6, Ln. 28-
39); and

a communication network allowing communication between said reservation mechanism,
said advertising mechanism, said ticketing mechanism, and said customers (Figure 1 and Col. 4,
Ln. 43-59).

(B) As per claim 2, in Flake the advertising mechanism, and said ticketing mechanism are incorporated into one or more entities (Figure 1; Col. 4, Ln. 43-59 and Col. 6, Ln. 40-53).

(C) As per claim 3, in Flake the reservation mechanism further comprises a data base containing service provider information selected from the following group comprising: addresses, phone numbers, hours of operation, upcoming and current events, special offerings, sales, characteristics, facility specifics, number of customers, availability, common asked questions, and methods of business (Col. 3, Ln. 65-Col. 4, Ln. 3).

(D) As per claim 4, in Flake the data base further comprises VIP guest information selected from the following group: address, interests, number of reservations, recommendations, desired data of reservation, age, sex, and phone number (Col. 3, Ln. 65-Col. 4, Ln. 3 and Col. 6, Ln. 40-53).

(E) As per claim 5, in Flake the reservation mechanism provides special identification devices for VIP guests (Col. 3, Ln. 59-61 and Col. 6, Ln. 40-53).

(F) As per claim 6, in Flake the advertising mechanism is selected from the following group comprising: an Internet site, a newspaper, a magazine, a radio commercial, and a television commercial (Figure 1 and Col. 4, Ln. 51-54).

(G) As per claim 7, in Flake the ticketing mechanism allows a method of payment from said customers for VIP tickets (Col. 9, Ln. 5-11).

(H) As per claim 8, in Flake the ticketing mechanism provides immediate feedback of reservations to said service providers (Figure 11 and Col. 12, Ln. 29-50).

(I) As per claim 9, in Flake the communication network is selected from the following group comprising: a world-wide-web (WWW), a computer related system, a radio service, a telephone

Art Unit: 3626

network, a mobile communication network, and a wireless communication network (Col. 4, Ln. 36-59).

(J) As per claim 10, Flake teaches a reservation method (Flake: abstract) comprising:
opening an account containing service provider information (business entity profile information (18)) (Col. 4, Ln. 60-67);

communicating said service provider information to a ticketing mechanism and an advertising mechanism (Col. 3, Ln. 16-34 and Col. 4, Ln. 51-54);

educating potential customers with regards to said service provider information (Col. 4, Ln. 51-54);

receiving reservations from customers pertaining to said service provider (Col. 3, Ln. 16-34 and Col. 5, Ln. 1-12); and

communicating said reservations to said service provider (Col. 3, Ln. 16-34 and Col. 5, Ln. 1-12).

(K) As per claim 11, in Flake opening an account further comprises:

receiving said service provider information; and entering said service provider information into a database (Col. 4, Ln. 43-67).

(L) As per claim 12, in Flake the educating customers comprises advertising said service provider information to target customers (Col. 4, Ln. 51-54).

(M) As per claim 13, in Flake the service provider information comprises advertising said service provider information using media selected from the following group comprising: internet, radio, television, mobile telecommunications, personal digital assistants, computers, and data networks (Col. 4, Ln. 43-59).

(N) As per claim 14, the advertising said service provider information comprises developing ad campaigns (Col. 4, Ln. 51-54).

(O) As per claim 15, Flake teaches a step comprising developing ad campaigns corresponding to different service provider information (Col. 4, Ln. 51-54).

(P) As per claim 16, in Flake the reservations step comprises entering VIP guest information into a database (Col. 4, Ln. 60-67 and Col. 6, Ln. 40-53).

(Q) As per claim 17, Flake teaches the step of communicating said reservations to said service provider further comprises:

communicating said VIP guest information to one or more of said service providers

(Figure 1; Col. 4, Ln. 4-16 and Col. 6, Ln. 40-53); and

communicating the number of received reservations to one or more of said service providers (Col. 4, Ln. 51-54 and Col. 16, Ln. 60-67).

(R) As per claim 18, Flake teaches communicating said VIP guest information comprises communicating VIP guest information selected from the following group comprising: address, interests, number of reservations, recommendations, desired data of reservation, age, sex, and phone number (Col. 3, Ln. 65-Col. 4, Ln. 3).

(S) As per claim 19, Flake teaches a VIP reservation system (Flake: Abstract) comprising:

a data base comprising service provider information (Col. 4, Ln. 60-67);

a reservation mechanism accessible by one or more service providers and customers, said reservation mechanism providing said service providers and said customers access to said data base (Figure 1; Col. 3, Ln. 16-34; Col. 4, Ln. 4-16 and Col. 5, Ln. 1-12);

a media for advertising said service provider information (Col. 4, Ln. 51-54);

Art Unit: 3626

an advertising mechanism allowing one or more of said service providers to promote their business via said media (Col. 4, Ln. 51-54);

a ticketing mechanism allowing one or more of said customers to purchase tickets for services offered by one or more of said service providers (Col. 5, Ln. 1-12 and Col. 6, Ln. 28-39); and

a communication network allowing communication between said reservation mechanism, said advertising mechanism, said ticketing mechanism, and said customers (Col. 4, Ln. 43-59).

(T) As per claim 20, in Flake the database further comprises customer information (Col. 3, Ln. 65-Col. 4, Ln. 3 and Col. 4, Ln. 60-63).

Art Unit: 3626

Conclusion

4. Any inquire concerning this communication or earlier communications from the examiner should be directed to Vivek Koppikar, whose telephone number is (571) 272-5109. The examiner can normally be reached from Monday to Friday between 8 AM and 4:30 PM.


If any attempt to reach the examiner by telephone is unsuccessful, the examiner's supervisor, Joseph Thomas, can be reached at (571) 272-6776. The fax telephone number for this group is (703) 305-7687 (for official communications including After Final communications labeled "Box AF").

Another resource that is available is the Patent Application Information Retrieval (PAIR). Information regarding the status of an application can be obtained from the (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAX. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, please feel free to contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sincerely,


Vivek Koppikar

9/21/2005


JOSEPH THOMAS
SUPERVISORY PATENT EXAMINER